

GARCIA, SCHNAYERSON & THOMPSON  
ATTORNEYS AT LAW  
225 West Winton Ave, Suite 208  
Hayward, California 94544  
(510) 887-7445

JESSE GARCIA [061223]  
Attorney for Defendant  
ARMANDO ORNELAS

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

THE UNITED STATES OF AMERICA,	)	
	)	CASE NO.: 10-CR-00917-SBA-1
Plaintiffs,	)	
	)	<b>AMENDED STIPULATION AND ORDER</b>
vs.	)	<b>RE CONTINUANCE OF PLEA AND</b>
	)	<b>SENTENCE HEARING</b>
ARMANDO ORNELAS	)	
	)	
Defendant.	)	
	)	

Armando Ornelas, by and through his counsel, Jesse Garcia, and the United States Government, by and through its counsel, Joseph Patrick Audal, Assistant United States Attorney, jointly stipulate and respectfully request the Court to reset the sentencing hearing presently set for October 26, 2011, be re-scheduled for November 16, 2011, at 10:00 a.m. The reason of this continuance is based on the following:

Defendant is researching the proposed amendment to the Sentencing Guidelines which we believe may affect the sentence to be imposed in this case. The proposed amendment to the Guidelines is effective November 1, 2011, therefore we are proposing a short continuance until after that date.

Further, time in this case should be excluded in accordance with the Speedy Trial Act, 18

1 U.S.C. § 3161(h)(7)(A) and (B)(iv) for adequate preparation of defense counsel and continuity of  
2 counsel, taking into account due diligence.

3  
4 DATED: October 20, 2011

Respectfully submitted,

5  
6 /s/JESSE GARCIA

7 Attorney for Defendant  
8 ARMANDO ORNELAS

9 DATED: October 20, 2011

/s/ JOSEPH AUDAL

10 JOSEPH AUDAL  
11 Authorized to sign for JOSEPH AUDAL  
12 Assistant United States Attorney  
13 on October 20, 2011


14  
15 **ORDER**

16 IT IS HEREBY ORDERED that the change of plea and sentencing in this case, currently  
17 scheduled on October 26, 2011, at 10:00 a.m., be continued to November 16, 2011, at 10:00 a.m.

18 IT IS FURTHER ORDERED that the time from the date of this Order to November 16, 2011,  
19 should be excluded under the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), for effective  
20 preparation of counsel and continuity of counsel. The Court finds that the ends of justice served by  
21 granting the continuance outweigh the best interest of the public and the defendant in a speedy and  
22 public trial, and the failure to grant the requested continuance would unreasonably deny counsel the  
23 reasonable time necessary for effective preparation and continuity of counsel, taking into account due  
24 diligence.

25 IT IS SO ORDERED.

26  
27 DATED: 10/25/11

  
28 HON. SAUNDRA BROWN ARMSTRONG  
United States District Judge